

Adjournment

On motion of Senator Aikin the Senate at 11:55 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

NINETEENTH DAY

(Thursday, February 11, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Grover	Schwartz
Harrington	Sherman
Harris	Wallace
Herring	Watson
Hightower	Wilson

Absent—Excused

Blanchard	Moore
Connally	Snelson
Creighton	Word
Hall	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Word was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Aikin.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 11, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 36, Congratulating Astronauts Alan B. Shepard, Jr., Edgar D. Mitchell, and Stuart A. Roosa.

H. B. No. 278, A bill to be entitled "An Act establishing the Higher Education Facilities Bond Program of 1971; amending Section 1, Chapter 763, Acts of the 61st Legislature, Regular Session, 1969 (Article 2909c-3, Vernon's Annotated Civil Statutes of Texas); clarifying the institutions for which revenue bonds can be issued pursuant to preexisting law to include specifically medical, dental, biomedical, and other institutions; authorizing the Board of Regents of Texas Tech University (acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock) and the Board of Regents of The University of Texas System each to issue revenue bonds and to pledge to the payment of such bonds certain student tuition charges, for the purpose of providing funds for the acquisition, purchase, construction, improvement, enlargement, and/or equipping of property, buildings, structures, and facilities for certain designated institutions of higher education; providing that this Act is cumulative of other laws on the subject; providing for severability; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Bates submitted the following reports for the Committee on Transportation:

H. B. No. 115.

H. B. No. 224.

S. B. No. 183 (Amended).

Senator Bates for Senator Moore submitted the following reports for the Committee on State Affairs:

S. B. No. 91.

S. B. No. 122.

S. B. No. 188.

S. B. No. 13 (Amended).

Senator Bernal submitted the following report for the Committee on Federal Programs and Relations:

H. C. R. No. 12.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 307, A bill to be entitled "An Act relating to the seizure of obscene materials and injunctive and other judicial proceedings concerning obscene materials and materials harmful to minors; providing penalties; amending Sections 9 and 13, Article 527, Penal Code of Texas, 1925, as amended; and Sections 4, 6, and Subsection (c) of Section 10 and Subsection (b) of Section 12, Chapter 284, Acts of the 61st Legislature, Regular Session, 1969 (Article 534b, Vernon's Texas Penal Code); and declaring an emergency."

To Committee on Jurisprudence.

By Senator Christie:

S. B. No. 308, A bill to be entitled "An Act repealing Article 38.21, Code of Criminal Procedure; amending Article 38.22, Code of Criminal Procedure; providing rules governing admission in evidence at the trial of a criminal case of the oral statements

and admissions of guilt made by the accused; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Sherman:

S. B. No. 309, A bill to be entitled "An Act providing for the appointment by the District Judge of the 84th Judicial District of Texas, composed of the Counties of Hansford, Hutchinson, and Ochiltree, of an official shorthand reporter for such judicial district; providing his qualifications; providing that the salary of the official shorthand reporter shall be fixed and determined by the judge of the judicial district and not otherwise; providing for the manner of payment of the salary and out of what fund; providing for transcript fees and allowance for hotel and traveling expenses; providing a saving clause; repealing Chapter 25, Acts of the 55th Legislature, 2nd Called Session, 1957 (Article 2326J-2, Vernon's Texas Civil Statutes), and Chapter 616, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326J-53, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Sherman:

S. B. No. 310, A bill to be entitled "An Act relating to the maximum salaries of elected officials and county employees in certain counties; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Sherman:

S. B. No. 311, A bill to be entitled "An Act authorizing the commissioners court in certain counties to fix the compensation of all chief deputies, deputies, assistants, clerks, and secretaries of the county officials in such county, except assistant county attorneys, providing a maximum compensation for each such chief deputy, deputy, assistant, clerk or secretary; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Sherman:

S. B. No. 312, A bill to be entitled "An Act relating to the employment and salaries of the county attorney

and assistant county attorneys and investigators, county judges and judges of the county courts at law in certain counties; amending Chapter 484, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3886b-1, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Sherman:

S. B. No. 313, A bill to be entitled "An Act relating to the issuance and sale of revenue bonds as special obligations of the hospital district of the City of Amarillo for the purpose of providing funds for the acquisition, purchase, construction, repair, renovation, improvement, enlargement or equipping of hospital facilities; amending Section 3, Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, as amended; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator McKool:

S. B. No. 314, A bill to be entitled "An Act relating to the charges made for political advertising and for public opinion polls conducted for candidates for public office; fixing maximum permissible rates and prescribing criminal and civil penalties for violation; amending the Texas Election Code by amending Subsection (c), Section 246, as amended (Article 14.10, Vernon's Texas Election Code), and adding a new Section 246a; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Hightower:

S. B. No. 315, A bill to be entitled "An Act relating to salaries of investigators, assistants, and stenographers of the District Attorney of the 30th Judicial District; amending Sections 1 and 2, Chapter 403, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 326k-40, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Mauzy:

S. B. No. 316, A bill to be entitled "An Act amending Article II of Acts 1957, 55th Leg., p. 527, ch. 244, Sec. 2, as amended, Acts 1965, 59th Leg.,

p. 752, ch. 350, Sec. 1, as amended, Acts 1969, 61st Leg., p. 1946, ch. 649, Sec. 1, known and referred to as Article 6687b, Article II, Section 3, by adding a new section 4 (b), exempting the operator of certain motor vehicles from the requirement of obtaining a commercial operators license; and declaring an emergency."

To Committee on Transportation.

By Senator Aikin:

S. B. No. 317, A bill to be entitled "An Act amending Section 19A, Chapter 292, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-19, Vernon's Texas Civil Statutes), to provide for junior college districts the same status provided for school districts under the provisions of the Texas Tort Claims Act; and declaring an emergency."

To Committee on Jurisprudence.

By Senators Brooks, Wallace, Jordan, Grover and Schwartz:

S. B. No. 318, A bill to be entitled "An Act relating to the authority of the governing body of certain state-supported colleges and universities to close a street or alley running through the campus; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senators Jordan, Wallace, Brooks and Schwartz:

S. B. No. 319, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System and the governing boards of other health-related state-supported institutions and certain non-profit health-related institutions located in certain medical centers to form an association to operate a laundry system on a cooperative basis solely for the benefit of such institutions; providing for the establishment and operation of a cooperative laundry association with authority to acquire such property, borrow money, and issue such bonds and other evidences of indebtedness as deemed necessary for the creation, operation, and maintenance of the system; providing that the association shall be tax-free; enacting other provisions relating to the subject; providing this Act shall be cumulative of other existing laws; providing a severability clause; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senators Schwartz, Harrington and Mauzy:

S. B. No. 320, A bill to be entitled "An Act relating to the authority of the Commissioner of Labor Statistics to publish and circulate lists of contractors who have failed to meet certain contractual and statutory specifications for public works projects; amending Chapter 45, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5159a, Vernon's Texas Civil Statutes), and amending Article 5160, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on Labor and Management Relations.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 278, To Committee on Finance.

House Concurrent Resolution 36 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 36, Congratulating Astronauts Alan B. Shepard, Jr., Edgar D. Mitchell, and Stuart A. Roosa.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

House Concurrent Resolution 35 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 35, Recognizing National Negro History Week.

The resolution was read.

On motion of Senator Jordan and by unanimous consent, the resolution was considered immediately and was adopted.

Messages From the Governor

The following messages received from the Governor were read and were referred to Committee on Nominations:

Austin, Texas,
February 10, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Health: To fill the unexpired term of Noble Price, M.D., of Lamesa, Dawson County, deceased, term to expire June 8, 1971: Charles Max Cole, M.D. of Dallas, Dallas County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas

Austin, Texas,
February 10, 1971.

To the Senate of the Sixty-second Legislature:

I herewith request the consent of the Senate to recall the appointment of Luke Hagood of Junction, Kimble County, to be a member of the Texas Conservation Foundation, submitted to the Senate February 9, 1971.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas

Motion to Place Senate Bill 216 on Second Reading

Senator Herring moved that Senate Rules 13 and 110 be suspended and that S. B. No. 216 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—23

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Harrington	Sherman
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	

Present—Not Voting

Grover

Absent—Excused

Blanchard	Moore
Connally	Snelson
Creighton	Word
Hall	

House Bill 213 on Second Reading

The President Pro Tempore laid before the Senate as an emergency matter on its second reading and passage to third reading:

H. B. No. 213, A bill to be entitled "An Act making supplemental allocations and appropriations to the State Department of Public Welfare, and authorizing the transfer of funds; repealing the limitations contained in the appropriations to the Texas Department of Public Safety in House Bill No. 2, 61st Legislature, 2nd Called Session, 1969, of the amount of money in the Motor Vehicle Inspection Fund available for funding and financing the appropriation to the Texas Department of Public Safety and making other provisions relating thereto; reducing the appropriation from the State Highway Fund for financing the Texas Department of Public Safety; and making other provisions relating thereto; reappropriating unexpended balances of appropriations, previously made, authorizing, etc. . . . and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 213 on Third Reading

Senator Aikin moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Christie
Bates	Grover
Beckworth	Harrington
Bernal	Harris
Bridges	Herring
Brooks	Hightower

Jordan	Ratliff
Kennard	Schwartz
Kothmann	Sherman
Mauzy	Wallace
McKool	Watson
Patman	Wilson

Absent—Excused

Blanchard	Moore
Connally	Snelson
Creighton	Word
Hall	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Grover	Schwartz
Harrington	Sherman
Harris	Wallace
Herring	Watson
Hightower	Wilson

Absent—Excused

Blanchard	Moore
Connally	Snelson
Creighton	Word
Hall	

Memorial Resolutions

S. R. No. 307—By Senator Hightower: Memorial resolution for Lance Corporal David Hanvey.

S. R. No. 313—By Senator Watson: Memorial resolution for Don C. Luckey.

S. R. No. 314—By Senator Watson: Memorial resolution for B. W. Cox, Sr.

S. R. No. 315—By Senator Watson: Memorial resolution for Mrs. Elizabeth Miller Bostwick.

S. R. No. 316—By Senator Watson: Memorial resolution for John Sleeper, Sr.

S. R. No. 317—By Senator Watson: Memorial resolution for Carroll W. Cockrum.

S. R. No. 318—By Senator Watson: Memorial resolution for Collis F. Sellman.

S. R. No. 319—By Senator Watson: Memorial resolution for John A. Neimeyer.

S. R. No. 320—By Senator Watson: Memorial resolution for J. M. Hunter.

S. R. No. 321—By Senator Watson: Memorial resolution for Alvin Schreiber.

S. R. No. 322—By Senators Watson and Moore: Memorial resolution for Jack Fife.

Welcome and Congratulatory Resolutions

S. R. No. 308—By Senator Harrington: Extending welcome and privileges of floor for today to Leonard Steel, et al.

S. R. No. 309—By Senator Herring: Extending welcome to teacher and students of Del Valle Elementary School.

S. R. No. 310—By Senator Schwartz: Extending welcome to Don Ward.

S. R. No. 311—By Senator Kennard: Extending congratulations to Mrs. Irma Marsh on receipt of the Outstanding Administrator Award.

S. R. No. 312—By Senator Mauzy: Extending congratulations to Harold Lichtenwald on receipt of Outstanding School Administrator of Texas Award.

S. R. No. 323—By Senator Watson: Extending welcome to Doug Conlee.

S. R. No. 324—By Senator Watson: Extending welcome to Robert Mann, et al.

S. R. No. 325—By Senators Brooks and Jordan: Extending welcome to sponsors and students of Texas Southern University.

Recess

On motion of Senator Aikin the Senate at 11:35 o'clock a.m. took recess until 11:00 o'clock a.m. tomorrow.

NINETEENTH DAY

(Continued)

(Friday, February 12, 1971)

After Recess

The Senate met at 11:00 o'clock a.m. and was called to order by the President Pro Tempore.

Reverend W. H. Townsend, Chaplain, offered the invocation.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 306, A bill to be entitled "An Act providing an ordinance which may be adopted by a city or county relating to the establishment of a motion picture licensing and review board; and declaring an emergency."

To Committee on State Affairs.

By Senator Kennard:

S. B. No. 321, A bill to be entitled "An Act to establish a State policy for the environment, to require State agencies and subdivisions to comply herewith, to provide for the establishment of an Office of Environmental Quality, and for other purposes."

To Committee on Environment.

By Senator Wallace:

S. B. No. 322, A bill to be entitled "An Act amending Section 86, Chapter 421, Acts of the 50th Legislature, 1947 (Section 86, Article 6701d, Vernon's Texas Civil Statutes), relating to the obedience to a signal indicating an approach of a train; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Sherman:

S. B. No. 323, A bill to be entitled "An Act providing for the creation of the Deaf Smith County Hospital District over all of Deaf Smith County, Texas; providing procedure for annexation of additional territory to said district; providing that the district shall assume any outstanding debt of Deaf Smith County incurred for hospital purposes and any outstanding debt incurred by any city or town within said County for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the pow-